(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

CRIMINAL MISCELLANEOUS APPLICATION NO. 58 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Ms. Caroline Collasso, Advocate for Applicant.

Mr. S.N. Sardessai, Public Prosecutor for the Respondent/State.

Coram : P.V. HARDAS, J.

Date : 12th March 2004.

P.C.: The applicant, aged 53 years, seeks her release on bail in Crime No. 27 of 2004 under Sections 302 and 201 of the Indian Penal Code. The applicant came to be arrested on 2nd February 2004 by the Mapusa Police in the aforesaid Crime on the allegations that she had committed the murder of her husband. The application for bail filed by the applicant before the Ist Additional Sessions Judge, Panaji, came to be rejected by the Order, dated 25th February 2004 and, accordingly, the applicant has filed the said application in this Court.

2. I have heard the learned counsel for the applicant and the learned Public Prosecutor. The learned Public Prosecutor has submitted that there are two circumstances against the applicant. The first circumstance being the recovery of the knife at the instance of the applicant/accused on the very next day of the incident. The second circumstance is an extra-judicial confession alleged to have been made by the applicant to her neighbour. It is also submitted before me that, in case the applicant is released on bail, the applicant may abscond.

3. Ms. Collasso, the learned counsel for the applicant, has submitted that the applicant is a lady aged 53 years and is suffering from diabetes, hypertension, piles and other diseases related to advanced age. It is also submitted that the circumstance, as appearing in the investigation, does not, prima facie, establish the

commission of the offence by the applicant.

4. Be that as it may, since the applicant is a lady aged 53 years and taking into consideration that there are only two circumstances of recovery of knife and extra-judicial confession, I am inclined to grant bail to the applicant on certain terms and conditions.

5. The applicant is released on bail on her furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like amount to the satisfaction of the Judicial Magistrate, First Class, Mapusa on the following terms and conditions:-

(i) The applicant shall, after her release on bail, once a week on every Monday report to the concerned Police Station between 8.00 to 10.00 a.m., till the filing of the charge-sheet and shall be available as and when called by the

Investigating Officer for the purpose of investigation.

(ii) Since the applicant has volunteered to surrender her passport, the applicant shall, within a week from her release on bail, surrender her passport to the Judicial Magistrate, First Class, Mapusa.

(iii) The applicant shall not leave the State of Goa without the prior permission of the Court assigned with deciding the Sessions Case.

(iv) The applicant shall not directly or indirectly tamper with the prosecution evidence nor shall the applicant attempt to influence any witnesses.

6. Criminal Miscellaneous Application is, accordingly, allowed.

ed's. P.V. HARDAS, J.